

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>ALAN J. CHESKIEWICZ, a minor, by his parents and natural guardians, ALLAN J. CHESKIEWICZ and RITA M. CHESKIEWICZ, and ALLAN J. CHESKIEWICZ and RITA M. CHESKIEWICZ, in their own right,</b>	:	<b>CIVIL ACTION</b>
	:	<b>NO: 02-3583</b>
	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>AVENTIS PASTEUR, INC., Individually and As successor in interest to CONNAUGHT LABORATORIES, INC., PASTEUR MERIEUX And PASTEUR MERIEUX CONNAUGHT, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

**PLAINTIFFS' MOTION FOR REMAND**

COME NOW the plaintiffs, by and through counsel, and respectfully move this Court for entry of an order remanding this case to the Court of Common Pleas of Philadelphia. As grounds for their motion, plaintiffs aver that this case was wrongfully removed and that complete diversity does not exist because:

- (a) defendants cannot carry their burden of demonstrating that there is no possibility that plaintiffs could establish liability against the resident defendants under the laws of Pennsylvania;
- (b) the state court could conclude that the minor plaintiff's injuries caused by exposure to thimerosal do not amount to vaccine-related injuries, such as to place his claim within the purview of the National Vaccine Injury Compensation Act;
- (c) the state court could conclude that the minor plaintiff is not qualified to

seek relief pursuant to the aforesaid statute and is, therefore, exempt from its requirements; and,

(d) the state court could conclude that the parents' claim for medical expenses do not fall within the scope of the aforesaid statute, all as more fully set forth in plaintiffs' attached Memorandum Of Points And Authorities, which they incorporate herein by reference.

WHERFORE, for all the foregoing reasons, plaintiffs respectfully requests that this Court remand their case to the state court in which it was filed.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of foregoing document was served upon the following parties by first class Mail, postage prepaid on this \_\_\_\_\_ day of June, 2002

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